

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Matter of Trademark Application SN 76/686,851

Filed: February 15, 2008

Applicant: DON'T GET COCKY, L.L.C.

LACOSTE ALLIGATOR S.A.

Opposer

VS.

## DON'T GET COCKY, L.L.C.

Applicant

Opposition No. 91189214

U.S. Patent & Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

# CERTIFICATE OF MAILING

Date of Deposit: April 20, 2009

I hereby certify that the following attached paper and/or fee:

Applicant's Answer to Notice of Opposition - 4 pgs. (Original + 2 copies); and

Return postcard,

along with this Certificate of Mailing is being deposited with the United States Postal Service, regular, first class mail on the date indicated above and is addressed to U.S. Patent & Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451.

Stephanie L. Goff

Stephanie L. Goff,

## Paralegal

NELSON &amp; ROEDIGER

4500 N. 32<sup>nd</sup> Street, Suite 110

Phoenix, AZ 85018

TEL: (602) 263-8782

FAX: (602) 265-5984



04-23-2009

IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

5 LACOSTE ALLIGATOR S.A. )  
Opposer )  
V. )  
10 DON'T GET COCKY, L.L.C. )  
Applicant )  
 )  
 )  
15 )  
 )

Opposition No. 91189214  
Application Serial No.: 76/686,851  
Filing Date: February 15, 2008  
Publication Date: February 17, 2009  
Trademark: DON'T GET COCKY  
DES.  
International Classes: 25

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

20 Applicant, Don't Get Cocky, L.L.C., hereby answers each of the  
allegations of the Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief  
as to the allegations of paragraph 1 of the Notice of Opposition and  
therefore denies same.

25 2. Applicant is without knowledge or information sufficient to form a belief  
as to the allegations of paragraph 2 of the Notice of Opposition and  
therefore denies same.

Opposition No. 91189214  
Lacoste Alligator .S.A.  
vs.  
Don't Get Cocky, L.L.C.

3. Applicant admits the allegations of Paragraph 3 of the Notice of Opposition but denies any similarity to any of Opposer's marks. Further, Applicant is without knowledge as to the priority to which Opposer may be entitled.

5

4. Applicant denies the allegations of Paragraph 4 Notice of Opposition.

5. Applicant denies the allegations of Paragraph 5 Notice of Opposition and specifically denies that the Applicant's mark portrays the Opposer's mark in an offensive manner that is likely to cause dilution.

10

6. Applicant denies the allegations of Paragraph 6 Notice of Opposition.

7. Applicant denies the allegations of Paragraph 7 Notice of Opposition.

15

#### AFFIRMATIVE DEFENSE

8. There is no likelihood of confusion, mistake, deception, dilution, tarnishment or blurring as Applicant's mark is a permissible parody of Opposer's alligator mark.

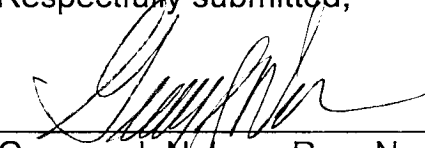
Opposition No. 91189214  
Lacoste Alligator .S.A.  
vs.  
Don't Get Cocky, L.L.C.

9. Applicant's mark is protected speech under the 1<sup>st</sup> Amendment.

Wherefore, having made full answer to the Notice of Opposition,  
Applicant prays that the opposition be dismissed and that Applicant be  
5 granted registration of its trademark.

Respectfully submitted,

Dated: 4/20/2009

  
\_\_\_\_\_  
Gregory J. Nelson, Reg. No. 22,066  
NELSON & ROEDIGER  
4500 N. 32<sup>nd</sup> Street, Suite 110  
Phoenix, AZ 85018

Certificate of Mailing

It is noted that the date for filing an Answer fell on Sunday, April 19, 2009.  
Accordingly, mailing on Monday, April 20, 2009, accompanied by the  
accompanying Certificate of Mailing is timely.

I hereby certify that the original and two (2) copies this document is being  
deposited U.S. Regular First Class Mail addressed to the Trademark Trial  
and Appeal Board (TTAB) Commissioner for Trademarks, P.O. Box 1451,  
Alexandria, VA 22313-1451 this 20<sup>th</sup> day of April, 2009.

Dated: 4/20/2009

  
\_\_\_\_\_  
Gregory J. Nelson

Opposition No. 91189214  
Lacoste Alligator .S.A.  
vs.  
Don't Get Cocky, L.L.C.

Certificate of Service

I hereby certify that a copy of this document is being forwarded by U.S.  
First Class Regular Mail this 20<sup>th</sup> day of April, 2009, to the following:

Mr. David Ehrlich  
Attorney for Opposer  
866 United Nations Plaza  
New York, NY 10017

Dated: 4/20/2009 Stephanie L. Goff  
Stephanie L. Goff,  
Paralegal to Gregory J. Nelson

Opposition No. 91189214  
Lacoste Alligator .S.A.  
vs.  
Don't Get Cocky, L.L.C.